

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JILL CHANNIN-ALBANESE,
Plaintiff(s),
-against-
J&P ONTIME INC. and FRANK CONCEPTION-BENCOS,
Defendants.

Case No. 1:24-cv-05775 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

“For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district . . . where it might have been brought or to any district . . . to which all parties have consented.” 28 U.S.C. § 1404(a). “District courts have broad discretion in making determinations of convenience under Section 1404(a).”

Corley v. United States, 11 F.4th 79, 89 (2d Cir. 2021) (quoting *D.H. Blair & Co. v. Gottdiener*, 462 F.3d 95, 106 (2d Cir. 2006)). Transfer may also be *sua sponte*. See *id.* at 83, 90 (affirming *sua sponte* transfer); *Bank of Am., N.A. v. Wilmington Tr. FSB*, 943 F. Supp. 2d 417, 426 (S.D.N.Y. 2013) (“The power of district courts to transfer cases under Section 1404(a) *sua sponte* . . . is well established.” (citation omitted)).

Although this action “was properly removed to the Southern District of New York pursuant to [28 U.S.C.] § 1441(a) because it was removed from a state court in the district,” *Speedfit LLC v. Woodway USA, Inc.*, 642 F. Supp. 3d 429, 442 (S.D.N.Y. 2022), it could have initially been brought in the Eastern District of New York: the parties are diverse, and plaintiff’s alleged injuries arise from an accident that occurred in that district, Dkt. 1-1 ¶¶ 1-3, 13; see 28 U.S.C. § 1391(b). The parties have also indicated that they consent to, or at least do not oppose, transfer of this case to the Eastern District of New York. Dkts. 10, 12.

Therefore, the Court finds that the Eastern District of New York is the appropriate venue for this particular action. The Clerk of Court is respectfully directed to transfer this action to the Eastern District of New York.

Dated: August 19, 2024
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge